

JAP:MKM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M12-0357

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UNITED STATES OF AMERICA

- against -

KAUSHIK JAYANTIBHAI THAKKAR,

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF REMOVAL TO
THE SOUTHERN DISTRICT OF
TEXAS

(Fed. R. Crim. P. 5(c))

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EASTERN DISTRICT OF NEW YORK, SS:

GREGORY STEMKOWSKI, being duly sworn, deposes and says that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about March 30, 2012, an arrest warrant was issued by the United States District Court for the Southern District of Texas, commanding the arrest of the defendant KAUSHIK JAYANTIBHAI THAKKAR for having knowingly conspired and agreed with others to bring aliens to or attempt to bring aliens to the United States at a place other than a designated port of entry or other lawfully designated place of entry, knowing such persons were aliens, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(A)(i).

The source of your deponent's information and the grounds for his belief are as follows:

1. I have been a Special Agent with HSI for approximately three and a half years. The facts set forth below

are based on my discussions with other law enforcement officers and my review of documents and other evidence.

2. On or about March 30, 2012, an arrest warrant was issued by the United States District Court for the Southern District of Texas, commanding the arrest of the defendant KAUSHIK JAYANTIBHAI THAKKAR for having knowingly conspired and agreed with others to bring aliens to or attempt to bring aliens to the United States at a place other than a designated port of entry or other lawfully designated place of entry, knowing such persons were aliens, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(A)(i). The arrest warrant was issued in connection with a complaint. A redacted copy of the arrest warrant and complaint are attached hereto, along with a sealing order, which indicates that the complaint, arrest warrant and sealing order will automatically be unsealed as to a defendant named in the complaint upon his or her arrest.

3. Special Agent Carlos Martinez, the case agent from the HSI field office in McAllen, Texas, learned that the defendant KAUSHIK JAYANTIBHAI THAKKAR had made reservations to fly on April 8, 2012 from the Dominican Republic into John F. Kennedy International Airport ("JFK") in Queens, New York, and then continue on connecting flights to Qatar and eventually India. Upon obtaining this information, Special Agent Martinez traveled to New York to execute the arrest warrant.

4. Special Agent Martinez previously conducted surveillance of the defendant in McAllen, Texas and personally

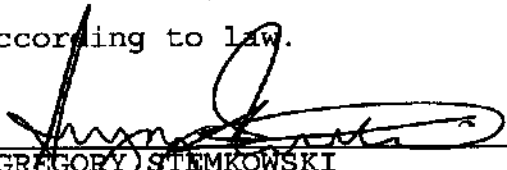
observed the defendant on two occasions in or about February 2011, at which times Special Agent Martinez was able to clearly see the defendant and gain personal knowledge of the defendant's appearance.

5. Consistent with his travel reservations, the defendant KAUSHIK JAYANTIBHAI THAKKAR arrived at JFK on April 8, 2012 aboard a Delta Airlines flight from Santo Domingo, Dominican Republic. Special Agent Martinez saw the defendant exit the Delta Airlines jetway, whereupon, the defendant was asked by Customs and Border Protection ("CBP") officers to present his passport. The defendant presented an Indian passport bearing the name "Kaushik Jayantibhai Thakkar."

6. The defendant KAUSHIK JAYANTIBHAI THAKKAR was placed under arrest at approximately 7:18 p.m. Thereafter, the defendant was advised of his Miranda rights and waived his rights in writing. In response to questioning, the defendant stated, in sum and substance and in part, that he had been in McAllen, Texas in or about February 2011.

7. It is the desire of the United States Attorney for the Southern District of Texas that the defendant KAUSHIK JAYANTIBHAI THAKKAR be removed to that district for prosecution.

WHEREFORE, it is requested that the defendant KAUSHIK JAYANTIBHAI THAKKAR be removed to the Southern District of Texas so that he may be dealt with according to law.



GREGORY STEMKOWSKI
U.S. Department of Homeland Security
Homeland Security Investigations

Sworn to before me this
9th day of April, 2012

HONORABLE VIKTOR POHORELSKY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK